

In re application of

Confirmation No. 9003

Sumio IIJIMA et al.

Attorney Docket No. 2005 1993A

Serial No. 10/560,808

Group Art Unit 1794

Filed March 20, 2006

Examiner Daniel H. Miller

SINGLE WALLED CARBON NANOHORN ADSORPTIVE MATERIAL AND METHOD

Mail Stop: AMENDMENT

FOR PRODUCING THE SAME

## **TERMINAL DISCLAIMER UNDER 37 CFR 1.321**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT ACCOUNT NO 23-0975

Sir:

The owners, JAPAN SCIENCE AND TECHNOLOGY AGENCY and NEC CORPORATION, of 100% interest in the instant application, hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on copending application Serial Number 10/483,796, filed July 6, 2004. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the copending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of any patent granted on the copending application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event

that any such granted patent: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims cancelled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

The undersigned is an attorney of record.

By:

Matthew M. Jacob , Reg. No. 25,154

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